

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TAMALA ANDERSON,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

No. 12-cv-58-JPH

ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT

**BEFORE THE COURT** are cross-motions for summary judgment, **ECF Nos. 14 and 16**. The parties consented to proceed before a magistrate judge. ECF No. 4. The Court considered oral argument on the date signed below. For the reasons stated by the Court on the record, the Court finds the ALJ's decision is not supported by substantial evidence and free of harmful legal error. Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's motion for summary judgment, **ECF No. 14**, is **GRANTED**. The matter is remanded to the Commissioner for additional proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand the ALJ should seek clarification from Dr. Pollack about his reasons, if any, supporting his determination that the plaintiff had marked limitations as set forth in the Mental

1 Medical Source Statement. Additionally the ALJ should first clarify whether the  
2 inflammatory arthritis finding meets the definition of a Listed Impairment at 14.09  
3 and, if she finds it does not, determine whether there is a combination of  
4 conditions, i.e., inflammatory arthritis and depression, that would render plaintiff  
5 disabled after giving appropriate weight to the opinions of Dr. Eric Mueller, M.D.,  
6 and Dr. Pollack.

7 2. Defendant's motion for summary judgment, **ECF No. 16**, is **DENIED**.

8 3. **Judgment** shall be entered in Plaintiff's favor.

9 4. This file shall be **CLOSED**, although an application for attorney fees may  
10 be filed by separate motion.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
12 Order and forward copies to the parties.

13 DATED this 22<sup>nd</sup> day of August, 2013.

14 S/ James P. Hutton

15 JAMES P. HUTTON

16 UNITED STATES MAGISTRATE JUDGE  
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